

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JAMES SCHOOLER,

Defendant.

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Case No. 3:10-cr-134

Also 3:12-cv-201

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District Judge Walter Herbert Rice

Magistrate Judge Michael R. Merz

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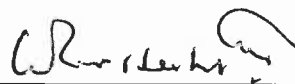
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ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #35), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, and for good cause shown, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Motion to Vacate under 28 U.S.C. § 2255 is DISMISSED with prejudice. Defendant is also DENIED a certificate of appealability. The Court hereby certifies to the United States Court of Appeals that any appeal would not be taken in objective good faith and therefore Defendant should not be permitted to proceed *in forma pauperis*.

July 20, 2012.



Walter Herbert Rice
United States District Judge